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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,)	Case No.
a state agency,)	
)	FPPC No.: 02/365
Plaintiff,)	
)	COMPLAINT FOR CIVIL
v.)	PENALTIES UNDER THE
)	POLITICAL REFORM ACT OF 1974,
CAROLINE GETTY, WILD ROSE, LLC, and)	AS AMENDED
DOES 1-20 inclusive)	
)	(Government Code §§ 91001(b) and
Defendants.)	91004)
)	
)	UNLIMITED CIVIL ACTION

Plaintiff FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Government Code sections 81000 through 91014.)

JURISDICTION AND VENUE

2. This court has original jurisdiction over the amount in controversy in this matter. As the causes of action in this matter occurred in connection with campaign statements and reports that should have been filed with the Office of the California Secretary of State, located in the County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code of Civil Procedure section 393.

1 **PARTIES**

2 **PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION**

3 3. Plaintiff Fair Political Practices Commission (the “Commission”) is a state agency
4 created by the Political Reform Act of 1974 (the “Act”). The Commission has primary responsibility for
5 the impartial, effective administration and implementation of the Act. (Gov. Code § 83111.) Pursuant
6 to Government Code section 91001, subdivision (b), the Commission is the civil prosecutor for matters
7 involving state committees and state election campaigns, and is authorized to maintain this action under
8 Government Code sections 91001, subdivision (b), 91004, 91005 and 91005.5.

9
10 **DEFENDANTS CAROLINE GETTY and WILD ROSE, LLC.**

11 4. Defendant Caroline Getty was, at all times relevant to this matter, a resident of the State
12 of California, and the owner of Defendant Wild Rose, LLC, a limited liability company established in
13 the State of Washington. Pursuant to Government Code section 82013, subdivision (c), Defendant
14 Caroline Getty was a “major donor committee” in 2000, and again in 2002, because during each of those
15 calendar years she made campaign contributions totaling more than ten thousand dollars (\$10,000) to
16 support California ballot measures.

17 5. Defendant Wild Rose, LLC was, at all times relevant to this matter, a limited liability
18 company established in the State of Washington, owned by Defendant Caroline Getty, and doing
19 business in the State of California.

20 6. Defendants DOE 1 through DOE 20, inclusive, are sued herein under fictitious names.
21 Their true names and capacities are unknown to Plaintiff. When said true names and capacities are
22 ascertained, Plaintiff will amend this complaint by inserting their true names and capacities herein.
23 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants is
24 legally responsible in some manner for the violations of the Act alleged herein.

25
26 **CAMPAIGN REPORTING REQUIREMENTS**

27 7. An express purpose of the Act, as set forth in Government Code section 81002,
28 subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are

1 fully and truthfully disclosed to the public, so that voters may be better informed, and so that improper
2 practices may be inhibited.

3 8. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign
4 reporting system, designed to disclose to the public, in a timely manner, the election activities of
5 California political candidates and committees. (Gov. Code § 84100, et seq.)
6

7 **CIVIL LIABILITY**

8 9. Government Code section 91004 provides that any person who intentionally or
9 negligently violates any of the reporting requirements of the Act shall be liable in a civil action in an
10 amount up to the amount(s) not properly reported. Government Code section 91005.5 provides that any
11 person who violates any section of the Political Reform Act, other than certain provisions listed in
12 section 91005.5, unless otherwise provided, is liable in a civil action for up to five thousand dollars
13 (\$5,000) per violation. Persons that violate Government Code sections 84200, 84301 and 84302 are
14 liable in a civil action brought pursuant to Government Code sections 91004 and 91005.5.

15 10. Pursuant to Government Code section 82047, "person" means an individual, ...
16 corporation, limited liability company, ... and any other organization or group of persons acting in
17 concert.

18 11. If two or more persons are responsible for any violation, they shall be jointly and
19 severally liable. (Government Code section 91006.)
20

21 **FIRST CAUSE OF ACTION**

22 (MAKING CONTRIBUTIONS IN A NAME OTHER THAN THE CONTRIBUTOR'S NAME)

23 (TWO VIOLATIONS)

24 12. Plaintiff re-alleges, and incorporates herein, paragraphs one through eleven, inclusive, as
25 though fully set forth.

26 13. Pursuant to Government Code section 84301, no contribution shall be made, directly or
27 indirectly, by any person in a name other than the name by which the person is identified for legal
28 purposes.

First Violation

MAKING A CONTRIBUTION IN A NAME OTHER THAN HER OWN IN JANUARY 2000

14. In late 1999, Steve McCormick, Executive Director for the Nature Conservancy, California Chapter, solicited a contribution from Defendant Caroline Getty to support the Yes on Propositions 12 and 13 campaigns.

15. Proposition 12 was a statewide bond measure that allowed the state to sell \$2.1 billion in general obligation bonds to finance the acquisition, development, and protection of recreational, cultural, and natural areas in California. Proposition 13 was a statewide bond measure that allowed the state to sell \$1.97 billion in general obligation bonds to finance improvements in the safety, quality, and reliability of water supplies, as well as improvements in flood protection.

16. In January 2000, Defendant Caroline Getty directed her wholly owned company, Defendant Wild Rose, LLC to make a contribution in the amount of \$500,000 to the Nature Conservancy Action Fund of California, a committee established by the Nature Conservancy for the purpose of raising funds to support the Yes on Propositions 12 and 13 campaigns.

17. On January 10, 2000, Defendant Wild Rose, LLC issued a check in the amount of \$500,000 to the Nature Conservancy Action Fund of California, without having sufficient funds in its corporate checking account to cover the check.

18. On January 13, 2000, the \$500,000 contribution check was delivered to the Nature Conservancy Action Fund of California, along with a transmittal letter from Edmond Davis of Davis & Whalen, LLP, an attorney representing Defendant Wild Rose, LLC, earmarking the contribution check of Defendant Wild Rose, LLC for the campaigns to support Propositions 12 and 13.

19. Nowhere on the transmittal letter did Mr. Davis mention that Defendant Wild Rose, LLC was serving as an intermediary for the \$500,000 contribution.

20. On or about January 19, 2000, Defendant Caroline Getty made arrangements for a wire transfer of \$500,000 to be deposited into the company checking account of Defendant Wild Rose, LLC.

21. On January 19, 2000, Defendant Wild Rose, LLC received the wire transfer of funds in the amount of \$500,000 from the Rosebud Trust, Defendant Caroline Getty's personal trust account,

1 which provided the funds to Defendant Wild Rose, LLC, to cover the contribution check for the
2 campaigns to support Propositions 12 and 13..

3 22. A first pre-election campaign disclosure statement filed by the Nature Conservancy
4 Action Fund of California, for the reporting period January 1, 2000 through January 22, 2000, discloses
5 the receipt of a \$500,000 contribution from Defendant Wild Rose, LLC.

6 23. On July 25, 2000, Defendant Wild Rose, LLC electronically filed a major donor
7 campaign disclosure statement with the California Secretary of State's office, covering the reporting
8 period January 1, 2000 through June 30, 2000, disclosing a single contribution of \$500,000.

9 24. The major donor campaign statement filed by Wild Rose, LLC reported a contribution of
10 \$500,000 on January 13, 2000 to the Nature Conservancy Action Fund of California in support of
11 Propositions 12 and 13, listing the contributor as "Wild Rose, LLC," and making no reference to
12 Defendant Caroline Getty, or to the fact that Defendant Wild Rose, LLC was merely serving as an
13 intermediary for the contribution.

14 25. Defendant Caroline Getty did not file a major donor campaign statement disclosing the
15 \$500,000 contribution.

16 26. By transferring \$500,000 to Defendant Wild Rose, LLC in January 2000, so that it could
17 carry out her direction to make a \$500,000 contribution to the Nature Conservancy Action Fund of
18 California, Defendant Caroline Getty indirectly made a contribution of \$500,000 to the Nature
19 Conservancy Action Fund of California.

20 27. By making the \$500,000 contribution on January 13, 2000, under the name of Defendant
21 Wild Rose, LLC, Defendant Caroline Getty violated Government Code section 84301.

22
23 **Second Violation**

24 **MAKING A CONTRIBUTION IN A NAME OTHER THAN HER OWN IN JANUARY 2002**

25 28. In late 2001, Graham Chisholm, Executive Director for the Nature Conservancy,
26 California Chapter, solicited a contribution from Defendant Caroline Getty to support the Yes on
27 Proposition 40 campaign.
28

1 29. Proposition 40 was a statewide bond measure that allowed the state to sell \$2.6 billion in
2 general obligation bonds to finance the conservation of natural resources (land, air, and water), the
3 acquisition and improvement of state and local parks, and the preservation of historical and cultural
4 resources.

5 30. In January 2002, Defendant Caroline Getty directed her wholly owned company,
6 Defendant Wild Rose, LLC to make a contribution in the amount of \$500,000 to the Nature
7 Conservancy Action Fund of California, a committee established by the Nature Conservancy, which was
8 then raising funds to support the Yes on Proposition 40 campaign.

9 31. On or about January 18, 2002, Defendant Caroline Getty made arrangements for a wire
10 transfer of \$500,000 to be deposited into the company checking account of Defendant Wild Rose, LLC.

11 32. On January 18, 2002, Defendant Wild Rose, LLC received the wire transfer of funds in
12 the amount of \$500,000 from the Rosebud Trust, Defendant Caroline Getty's personal trust account, to
13 provide the funds to Defendant Wild Rose, LLC, to cover the \$500,000 contribution check.

14 33. Prior to receiving the wire transfer of funds from Defendant Caroline Getty on January
15 18, 2002, Defendant Wild Rose, LLC did not have sufficient funds in its company checking account to
16 cover the amount of the \$500,000 contribution check.

17 34. On January 22, 2002, Defendant Wild Rose, LLC delivered a check in the amount of
18 \$500,000 to the Nature Conservancy Action Fund of California.

19 35. On January 22, 2002, Edmond Davis of Davis & Whalen, LLP, an attorney representing
20 Defendant Wild Rose, LLC delivered the \$500,000 contribution check, along with a transmittal letter
21 earmarking the check to support the Proposition 40 campaign, to the Nature Conservancy Action Fund
22 of California, through their legal counsel Diane Fishburn of Olson, Hagle, Waters & Fishburn, LLP.

23 36. Nowhere in the transmittal letter did Mr. Davis mention that Defendant Wild Rose, LLC
24 was serving as an intermediary for the \$500,000 contribution.

25 37. The second pre-election campaign statement filed by the Nature Conservancy Action
26 Fund of California, for the reporting period January 20, 2002 through February 16, 2002, discloses the
27 receipt of a \$500,000 contribution from Defendant Wild Rose, LLC.
28

1 38. On July 31, 2002, Defendant Caroline Getty and Defendant Wild Rose, LLC filed a
2 major donor campaign disclosure statement with the California Secretary of State's office, covering the
3 reporting period January 1, 2002 through June 30, 2002, disclosing a single contribution of \$500,000.

4 39. The campaign statement reported a \$500,000 contribution on January 18, 2002 to the
5 Nature Conservancy Action Fund of California in support of Proposition 40.

6 40. By transferring \$500,000 to Defendant Wild Rose, LLC in January 2002, so that it could
7 carry out her direction to make a \$500,000 contribution to the Nature Conservancy Action Fund of
8 California, Defendant Caroline Getty indirectly made a contribution of \$500,000 to the Nature
9 Conservancy Action Fund of California.

10 41. By making the \$500,000 contribution on January 18, 2002, under the name of Defendant
11 Wild Rose, LLC, Defendant Caroline Getty violated Government Code section 84301.

12
13 **SECOND CAUSE OF ACTION**

14 (MAKING A CONTRIBUTION ON BEHALF OF ANOTHER WITHOUT PROPER DISCLOSURE)

15 (TWO VIOLATIONS)

16 42. Plaintiff re-alleges, and incorporates herein, paragraphs one through eleven, inclusive, as
17 though fully set forth.

18 43. Pursuant to Government Code section 84302, no person shall make a contribution on
19 behalf of another, or while acting as the intermediary or agent of another, without disclosing to the
20 recipient of the contribution both his or her own full name and street address, occupation, and the name
21 of his or her employer, if any, or his or her principal place of business if self-employed, and the full
22 name, street address, occupation, and the name of employer, if any, or principal place of business if self-
23 employed, of the other person.

24
25 **First Violation**

26 **MAKING A CONTRIBUTION ON BEHALF OF ANOTHER IN JANUARY 2000**

27 44. In January 2000, Defendant Caroline Getty directed Defendant Wild Rose, LLC to make
28 a contribution in the amount of \$500,000 to the Nature Conservancy Action Fund of California, a

1 committee established by the Nature Conservancy for the purpose of raising funds to support the Yes on
2 Propositions 12 and 13 campaigns.

3 45. Proposition 12 was a statewide bond measure that allowed the state to sell \$2.1 billion in
4 general obligation bonds to finance the acquisition, development, and protection of recreational, cultural,
5 and natural areas in California. Proposition 13 was a statewide bond measure that allowed the state to
6 sell \$1.97 billion in general obligation bonds to finance improvements in the safety, quality, and
7 reliability of water supplies, as well as improvements in flood protection.

8 46. On January 10, 2000, Defendant Wild Rose, LLC issued a check in the amount of
9 \$500,000 to the Nature Conservancy Action Fund of California

10 47. On January 13, 2000, Defendant Wild Rose, LLC delivered the \$500,000 contribution
11 check to the Nature Conservancy Action Fund of California, along with a transmittal letter from
12 Edmond Davis of Davis & Whalen, LLP, an attorney representing Defendant Wild Rose, LLC,
13 earmarking the contribution check of Defendant Wild Rose, LLC for the campaigns to support
14 Propositions 12 and 13.

15 48. Nowhere in the transmittal letter did Mr. Davis mention that Defendant Wild Rose, LLC
16 was serving as an intermediary for the \$500,000 contribution.

17 49. On or about January 19, 2000, Defendant Caroline Getty made arrangements for a wire
18 transfer of \$500,000 to be deposited into the company checking account of Defendant Wild Rose, LLC.

19 50. Defendant Wild Rose, LLC received the wire transfer of funds in the amount of \$500,000
20 from the Rosebud Trust, Defendant Caroline Getty's personal trust account on January 19, 2000, which
21 provided the funds to Defendant Wild Rose, LLC, to cover the \$500,000 contribution check.

22 51. Prior to receiving the wire transfer of funds from Defendant Caroline Getty, Defendant
23 Wild Rose, LLC did not have sufficient funds in its company checking account to cover the \$500,000
24 contribution check delivered by Defendant Wild Rose, LLC to the Nature Conservancy Action Fund of
25 California.

26 52. By receiving \$500,000 from Defendant Caroline Getty, so that it could carry out her
27 direction to make a \$500,000 contribution to the Nature Conservancy Action Fund of California in
28 January 2000, Defendant Wild Rose, LLC was making a contribution on behalf of Defendant Caroline

1 Getty, and was therefore required by section 84302 of the Government Code to disclose to the Nature
2 Conservancy Action Fund of California the name, street address, and employer or self-employment
3 information of Defendant Caroline Getty, the true source of the contribution.

4 53. By failing to disclose to the Nature Conservancy Action Fund of California, at the time it
5 delivered the \$500,000 contribution check to them, of the name, address and other required information
6 about Defendant Caroline Getty, Defendant Wild Rose, LLC made a contribution on behalf of another
7 without providing proper disclosure, in violation of Government Code section 84302.

8
9 **Second Violation**

10 **MAKING A CONTRIBUTION ON BEHALF OF ANOTHER IN JANUARY 2002**

11 54. In January 2002, Defendant Caroline Getty directed Defendant Wild Rose, LLC to make
12 a contribution in the amount of \$500,000 to the Nature Conservancy Action Fund of California, a
13 committee established by the Nature Conservancy, which was then raising funds to support the Yes on
14 Proposition 40 campaign.

15 55. Proposition 40 was a statewide bond measure that allowed the state to sell \$2.6 billion in
16 general obligation bonds to finance the conservation of natural resources (land, air, and water), the
17 acquisition and improvement of state and local parks, and the preservation of historical and cultural
18 resources.

19 56. On or about January 18, 2002, Defendant Caroline Getty made arrangements for a wire
20 transfer of \$500,000 to be deposited into the company checking account of Defendant Wild Rose, LLC.

21 57. Defendant Wild Rose, LLC received the wire transfer of funds in the amount of \$500,000
22 from the Rosebud Trust, Defendant Caroline Getty's personal trust account on January 18, 2002, which
23 provided the funds to Defendant Wild Rose, LLC, to cover the \$500,000 contribution check.

24 58. Prior to receiving the \$500,000 wire transfer of funds from Defendant Caroline Getty on
25 January 18, 2002, Defendant Wild Rose, LLC did not have sufficient funds in its company checking
26 account to cover the \$500,000 contribution check delivered by Defendant Wild Rose, LLC to the Nature
27 Conservancy Action Fund of California.

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1 59. On January 22, 2002, Defendant Wild Rose, LLC delivered a check in the amount of
2 \$500,000 to the Nature Conservancy Action Fund of California.

3 60. On January 22, 2002, Edmond Davis of Davis & Whalen, LLP, an attorney representing
4 Defendant Wild Rose, LLC delivered the \$500,000 contribution check, along with a transmittal letter
5 earmarking the check to support the Proposition 40 campaign, to the Nature Conservancy Action Fund
6 of California, through their legal counsel Diane Fishburn of Olson, Hagle, Waters & Fishburn LLP.

7 61. Nowhere in the transmittal letter did Mr. Davis mention that Defendant Wild Rose, LLC
8 was serving as an intermediary for the \$500,000 contribution.

9 62. By receiving \$500,000 from Defendant Caroline Getty, so that it could carry out her
10 direction to make a \$500,000 contribution to the Nature Conservancy Action Fund of California in
11 January 2002, Defendant Wild Rose, LLC was making a contribution on behalf of Defendant Caroline
12 Getty, and was therefore required by section 82302 of the Government Code, to disclose to the Nature
13 Conservancy Action Fund of California the name, street address, and employer or self-employment
14 information of Defendant Caroline Getty, the true source of the contribution.

15 63. By failing to disclose to the Nature Conservancy Action Fund of California, at the time it
16 delivered the \$500,000 contribution check to them, of the name, address and other required information
17 about Defendant Caroline Getty, Defendant Wild Rose, LLC made a contribution on behalf of another,
18 without proper disclosure, in violation of Government Code section 84302.

19
20 **THIRD CAUSE OF ACTION**

21 (Failure to file a major donor campaign statement)

22 (One violation)

23 64. Plaintiff re-alleges, and incorporates herein, paragraphs one through twelve, inclusive, as
24 though fully set forth.

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1 65. Pursuant to Government Code section 84200, subdivision (b), a committee that qualifies
2 under Government Code section 82013, subdivision (c), as a “major donor” committee, shall file semi-
3 annual campaign statements each year, no later than July 31 for the reporting period ending June 30, and
4 no later than January 31 for the reporting period ending December 31, if the committee has made any
5 contributions during the reporting period.

6 66. Under Government Code section 84211, any semi-annual campaign statement required to
7 be filed by a committee must contain specified information about the contributions made by the
8 committee during the reporting period covered by the statement.

9
10 FAILURE TO TIMELY FILE A SEMI-ANNUAL CAMPAIGN STATEMENT BY JULY 31, 2000

11 67. In January 2000, Defendant Caroline Getty directed her wholly owned company,
12 Defendant Wild Rose, LLC to make a contribution in the amount of \$500,000 to the Nature
13 Conservancy Action Fund of California to support the Yes on Propositions 12 and 13 campaigns.

14 68. Proposition 12 was a statewide bond measure that allowed the state to sell \$2.1 billion in
15 general obligation bonds to finance the acquisition, development, and protection of recreational, cultural,
16 and natural areas in California. Proposition 13 was a statewide bond measure that allowed the state to
17 sell \$1.97 billion in general obligation bonds to finance improvements in the safety, quality, and
18 reliability of water supplies, as well as improvements in flood protection.

19 69. On January 10, 2000, Defendant Wild Rose, LLC issued a check in the amount of
20 \$500,000 to the Nature Conservancy Action Fund of California, without having sufficient funds in its
21 company checking account to cover the check.

22 70. On January 13, 2000, the \$500,000 contribution check was delivered to the Nature
23 Conservancy Action Fund of California, along with a transmittal letter from Edmond Davis of Davis &

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Whalen LLP, an attorney representing Defendant Wild Rose, LLC, earmarking the Defendant Wild Rose, LLC contribution check for the campaigns to support Propositions 12 and 13.

71. On or about January 19, 2000, Defendant Caroline Getty made arrangements for a wire transfer of \$500,000 to be deposited into the company checking account of Defendant Wild Rose, LLC.

72. On January 19, 2000, Defendant Wild Rose, LLC received the wire transfer of funds in the amount of \$500,000 from the Rosebud Trust, Defendant Caroline Getty's personal trust account, which provided the funds to Defendant Wild Rose, LLC, to cover the \$500,000 contribution check.

73. By transferring \$500,000 to Defendant Wild Rose, LLC in January 2000, so that it could carry out her direction to make a \$500,000 contribution to the Nature Conservancy Action Fund of California, Defendant Caroline Getty indirectly made a contribution of \$500,000 to the Nature Conservancy Action Fund of California, and thereby became a major donor committee pursuant to section 82013, subdivision (c) of the Government Code.

74. As a major donor committee, Defendant Caroline Getty was then required to file a semi-annual major donor campaign statement by July 31, 2000, disclosing her \$500,000 contribution to the Nature Conservancy Action Fund of California in January 2000.

75. Defendant Caroline Getty did not file a major donor campaign statement disclosing the \$500,000 contribution.

76. By failing to file a semi-annual campaign statement disclosing the \$500,000 contribution to the Nature Conservancy Action Fund of California by the July 31, 2000 due date, Defendant Caroline Getty violated Government Code section 84200, subdivision (b).

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For statutory penalties against Defendant Caroline Getty, payable to the "General Fund of the State of California," according to proof, in an amount up to the amount not properly reported as alleged in the Third Cause of Action, and permitted by Government Code section 91004.

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1 2. For statutory penalties against Defendants Caroline Getty and Wild Rose, LLC, payable
2 to the “General Fund of the State of California,” according to proof, in an amount up to \$5,000 per
3 violation as alleged in the First and Second Causes of Action, and permitted by Government Code
4 section 91005.5.

5 3. For such other and further relief as the Court may deem proper.

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7 Dated:

FAIR POLITICAL PRACTICES COMMISSION

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10 By: Jeffery A. Sly
11 Attorney for Plaintiff
12 Fair Political Practices Commission
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